

REMARKS

In response to the Office Action dated September 28, 2009, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 9-12, 17-23 and 26-31 are pending in the present Application. Claims 18-22 are allowed, Claims 9 and 23 are amended, and Claim 31 is cancelled, leaving Claims 9-12, 17-23 and 26-30 for consideration upon entry of the present amendments and following remarks.

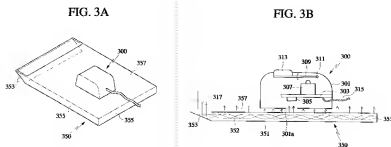
Support for the claim amendments can at least be found in the specification, the figures, and the claims as originally filed. Particularly, support for amended Claim 9 is at least found in Figures 3A and 3B, and in the specification at page 10, line 21 to page 11, line 12. Support for amended Claim 23 is at least found in Figure 1, and in the specification at page 6, lines 14-20.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 112

Claims 9-12, 17 and 31 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, Claim 9 requires that a) all plates be configured as one body and that b) the optical wave guide be a vacant space, and the Examiner disagrees that Figures 3A and 3B, along with specific portions of the specification provide support for these limitations, as suggested by Applicants.

To better set forth the invention, Claim 9 is amended to recite, *inter alia*, “wherein the lower reflecting plate (351), the upper transparent plate (357), the side reflecting plates (355) and the light concentrating plate (353) *function as one unit to constitute the light concentrating pad (350)*, wherein the lower reflecting plate (351), the upper transparent plate (357), the side reflecting plates (355) and the light concentrating plate (353) *define an optical waveguide (352)*.”



Support for the amendments to Claim 9 is at least found in Figures 3A and 3B (reproduced above), and in the specification at page 10, line 21 to page 11, line 12.

Regarding the limitation where the optical wave guide is a vacant space, such limitation has been hereinabove deleted from Claim 9.

Furthermore, the Examiner disagrees that support for new Claim 31 is found in Figures 3A and 3B, and portions of the specification, as suggested by Applicants. As discussed above, Claim 31 is hereinabove cancelled.

Applicants respectfully submit that amended Claim 9, and Claims 10-12 and 17 depending thereon, comply with the written description requirement of 35 U.S.C. 112, first paragraph, as containing subject matter which is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Entry of the claim amendments, reconsideration, and withdrawal of the relevant 35 U.S.C. 112, first paragraph rejections are respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

Claims 23 and 26-30 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Davis et al., U.S. Patent Publication No. 2003/0034959 A1 (hereinafter "Davis"). Applicants traverse the rejections for the reasons set forth below.

In order to anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing

elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Amended **independent Claim 23** recites, *inter alia*:

“the optical pointing device comprising:

a case having a closed space;

a light guide disposed on and protruding from an outer sidewall of the case, and including first and second surfaces respectively on predetermined portions of the light guide,

the first surface of the light guide being spaced away from the case, being located outside the outer sidewall of the case, and accepting light reflecting from a surface of the worktable adjacent to the case.”

Regarding independent Claim 23 on Pages 4 and 5 of the instant Office action with respect to **Davis**, plastic case 12, lens 38C and base plate 40 in Figures 1-3 of Davis are respectively considered as disclosing the “case,” the “light guide” and the “outer sidewall” of the claimed invention. A bottom of lens 38C in Figure 3 of Davis is further considered as disclosing the “first surface being spaced away from” the plastic case 12/base plate 40 (as the “case/outer sidewall of the case”).

Davis discloses that mouse 10 includes the plastic case 12, left and right mouse buttons 14 and optical sensor chip 16, and the plastic case 12 surrounds internal mouse assembly 30 which includes clip 32, LED 34, optical sensor chip 16, PCB 36, lens assembly 38 and *base plate 40*. (See, paragraphs 0015 and 0016, and Figures 1-3 of Davis.)

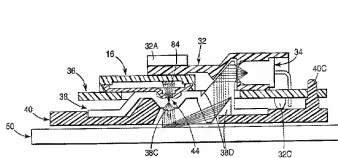
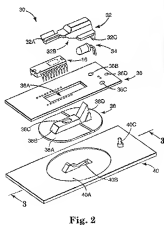


Fig. 3

Davis further discloses that the lens assembly 38 of the mouse assembly 30 *surrounded by the plastic case 12*, includes the lens 38C, which is held in place by lens holder 38B. (See, paragraph 0020 and Figures 2 and 3 (reproduced above) of Davis.) That is, the lens 38C (as the “light guide”) disclosed by Davis is disposed *totally inside* the plastic case 12/base plate 40 (as the “case/outer sidewall of the case”), where no portion of the lens 38C is protruded from the base plate 40 and located *outside of* the base plate 40, as claimed. Therefore, Davis *does not disclose a light guide disposed on and protruding from an outer sidewall of the case having a closed space, and including first and second surfaces respectively on predetermined portions of the light guide, and the first surface of the light guide being spaced away from the case, being located outside the outer sidewall of the case, and accepting light reflecting from a surface of the worktable adjacent to the case as arranged* in amended independent Claim 23.

Thus, Davis *fails to disclose all of the limitations as arranged* in amended independent Claim 23, and Claim 29. Accordingly, Davis does not anticipate amended Claim 23, Claim 29 and Claims 26-28 and 30 as respectively depending thereon. Applicants respectfully submit that Claims 23 and 26-30 are not further rejected or objected, and are therefore allowable. Entry of the claim amendments, reconsideration, withdrawal of the relevant § 102 rejections, and allowance of Claims 23 and 26-30 are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 9, 10, 17 and 31 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,736,686 to Perret (hereinafter “Perret” in view of U.S. Patent No. 4,470,045 to Anderson (hereinafter “Anderson”), and further in view of Yamamoto, U.S. Patent No. 3,966,303 (hereinafter “Yamamoto”).

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Perret and Anderson, and further in view of Yamamoto and Lyon, U.S. Patent No. 4,521,772 (hereinafter “Lyon”).

Applicants respectfully traverse the rejections for the reasons set forth below. Claim 31 is hereinabove cancelled, and rejections are rendered moot for this claim.

Amended independent **Claim 9** recites, *inter alia*:

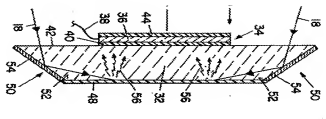
“side reflecting plates contacting a selected edge of the lower reflecting plate and extending upwardly from the selected edge of the lower reflecting plate;
an upper transparent plate contacting the side reflecting plates, being parallel to the lower reflecting plate and protruding from a remaining edge of the lower reflecting plate not including the selected edge, *the upper transparent plate having an extension portion protruding from the remaining edge of the lower reflecting plate, and an opening in the extension portion thereof, the opening being spaced apart from edges of the upper transparent plate.*”

Regarding **Perret** in the instant Office action at Pages 6 and 7, Figure 1, Col. 3, line 63, Col. 5, lines 12-14 and Col. 14, lines 24-30 are cited as teaching the claimed invention. Particularly, light guide 14, reflective structure 15, top surface 49/diffuser 56, virtual bulb 52, and silver tape 47, in Figure 1 of Perret are respectively considered as teaching the “optical waveguide,” the “lower reflecting plate,” the “upper transparent plate,” the “side reflecting plates” and the “light concentrating plate” of Claim 9.

It is conceded in the instant Office action at Page 7, that Perret does not teach that the silver tape 47 (as the “light concentrating plate”) is attached to an edge of the reflective structure 15 (as the “lower reflecting plate”) and separated from the top surface 49/diffuser 56 (as the “upper transparent plate”).

Applicants respectfully submit that the top surface 49/diffuser 56 and the reflective structure 15 of Perret *do not teach or suggest* **the upper transparent plate having an extension portion protruding from the remaining edge of the lower reflecting plate, and an opening in the extension portion thereof, the opening being spaced apart from edges of the upper transparent plate** of amended independent Claim 9.

Regarding **Anderson** in the instant Office action at Pages 7 and 8, polarizer sheet 40, front surface 42 of slab 32, surface 54, diffusion material 48, and reflective material 54 on edge 50 in Figure 4 are respectively considered as teaching the “upper transparent plate,” the “extension portion of the upper transparent plate,” the “light concentrating plate,” the “lower reflecting plate,” the “side reflecting plates” of the claimed invention. It is asserted on Page 8 of the instant Office action that a portion of the external light is reflected from the reflective material 54 on edge 50 (as the “side reflecting plates”) and passes through the polarizer sheet 40 (as the “upper transparent plate”) at a same time.



In a telephone interview completed on December 8, 2009 between the Examiner of record and Applicants' undersigned attorney, it was confirmed that the "opening" in Anderson includes an entire of the front surface 42 of slab 32, extending from an edge of the polarizer sheet 40 to the edge of the slab 32. That is, there is no portion of the polarizer sheet 40/front surface 42 of slab 32 as "upper transparent plate/extension portion of the upper transparent plate," such that the "opening" of Anderson is space apart from edges of the polarizer sheet 40/front surface 42 of slab 32. To the contrary, the "opening" of Anderson extend *up to and including* the edge of the surface 42/slab 32.

Therefore, Anderson *does not teach or suggest* **the upper transparent plate having an extension portion protruding from the remaining edge of the lower reflecting plate, and an opening in the extension portion thereof, the opening being spaced apart from edges of the upper transparent plate** of amended independent Claim 9, and does not remedy the deficiencies of Perret.

It is conceded on Page 9 of the instant Office action that neither Perret nor Anderson teach "the optical wave guide is a vacant space."

Regarding **Yamamoto** in the instant Office action at Page 9, Figure 5 (reproduced below) and Col. 3, line 64 to Col. 4, line 16 are cited as teaching the claimed invention. Particularly, it is asserted that case 48 in Figure 5 of Yamamoto are considered as teaching several sides making up one body and wherein an "optical waveguide" is a vacant space.

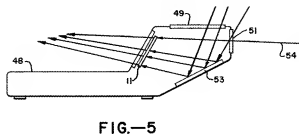


FIG.—5

At Col. 3, line 64 to Col. 4, line 16, and referring to Figure 5, Yamamoto teaches opening 49 in an upper portion of the case 48 is provided through which ambient light may be transmitted, such ambient light rays 52 impinging on reflector 53 to reflect the rays to a rear surface of liquid crystal display assembly 11.

In the telephone interview completed on December 8, 2009 between the Examiner of record and Applicants' undersigned attorney, it was confirmed that the case 48 of Yamamoto is at least not a *transparent plate*, and therefore does not teach or suggest the "upper transparent plate" of the claimed invention.

Applicants respectfully submit that Yamamoto also *does not teach or suggest* **the upper transparent plate having an extension portion protruding from the remaining edge of the lower reflecting plate, and an opening in the extension portion thereof, the opening being spaced apart from edges of the upper transparent plate** of amended independent Claim 9, and does not remedy the deficiencies of Perret and Anderson.

It is conceded on Page 9 of the instant Office action that Perret and Anderson do not teach or suggest the further detail regarding the optical pointing device of Claims 11 and 12.

Regarding **Lyon** in the instant Office action at Pages 10 and 11, Figure 22 and Col. 2, lines 20-24 are cited as teaching the claimed invention.

Applicants respectfully submit that Lyon also *does not teach or suggest* **the upper transparent plate having an extension portion protruding from the remaining edge of the lower reflecting plate, and an opening in the extension portion thereof, the opening being spaced apart from edges of the upper transparent plate** of amended independent Claim 9, and does not remedy the deficiencies of Perret, Anderson and Yamamoto.

Thus, since Perret, Anderson, Yamamoto and Lyon, alone or in combination, *fail to teach or suggest* all of the limitations of at least amended independent Claim 9, *prima facie* obviousness does not exist regarding at least amended independent Claim 9 with respect to Perret, Anderson, Yamamoto and Lyon. Applicants respectfully submit that Claim 9 is not further rejected or objected, and is therefore allowable. As Claims 10-12 and 17 variously depend from Claim 9, they are correspondingly allowable. Entry of the claim amendments,

reconsideration, withdrawal of the relevant §103 rejections, and allowance of Claims 10-12 and 17 are respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: /Amy Bizon-Copp/
Amy Bizon-Copp
Reg. No. 53,993
CANTOR COLBURN LLP
Customer Number 23413
20 Church Street
22nd Floor
Hartford, CT 06003
Telephone (860) 286-2929
Facsimile (860) 286-0115

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